

SENATE BILL REPORT

SHB 1838

As of February 10, 2010

Title: An act relating to the creation of a raffle-only limited recreational rainbow trout fishery in Spirit Lake.

Brief Description: Creating a raffle-only limited recreational rainbow trout fishery in Spirit Lake.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt and Blake).

Brief History: Passed House: 3/06/09, 95-1.

Committee Activity: Natural Resources, Ocean & Recreation: 3/19/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Curt Gavigan (786-7437)

Background: In 1982 the federal government created the 110,000 acre Mt. St. Helens National Volcanic Monument (Monument), which is managed by the United States Forest Service (USFS). Spirit Lake lies within the Monument's boundaries. The 1980 eruption of Mt. St. Helens greatly impacted Spirit Lake, choking it with ash and organic debris and killing its fish population. A rainbow trout population has returned to Spirit Lake, first evidenced by the Department of Fish and Wildlife's (DFW) finding rainbow trout in 1993.

The Legislature has authorized DFW to manage the state's fish and wildlife species. Among other duties, DFW classifies wildlife and establishes the rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

DFW may hold raffles in which winners receive hunting opportunities for big game or turkeys. Raffle tickets may not exceed \$25. DFW's revenue from such raffles is deposited in the Wildlife Account and used to improve the habitat and health of the species that is the subject of the raffle.

Summary of Bill: DFW may establish a limited recreational fishery for rainbow trout in Spirit Lake. DFW must coordinate with the USFS in the design, monitoring, and implementation of any fishery, whether in Spirit Lake or elsewhere in the Monument.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a Spirit Lake fishery is authorized, DFW must establish certain procedures and requirements for the fishery, including:

- a requirement that fishers obtain a license;
- identification of a limited number of days for the fishery;
- a determination whether the fishery is strictly catch and release;
- identification of allowable gear types;
- reporting requirements designed to monitor the rainbow trout population; and
- restrictions on transportation, items allowed in Spirit Lake, and allowable floatation devices designed to reduce the risk of introducing new aquatic species to the lake.

Participants in the recreational fishery must be selected by raffle. Raffles conducted to determine participation in the Spirit Lake fishery are included within the current exemption from gambling regulations for DFW big game and turkey raffles. Revenues from the raffle must be prioritized for the following purposes:

- reimbursing DFW for raffle costs;
- developing, managing, and implementing the Spirit Lake fishery; and
- purchasing or renting equipment necessary to implement the fishery.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Closed lakes such as Spirit Lake eventually result in an unhealthy fish population, and DFW is charged with maintaining the health of the fish and wildlife in the state. A limited Spirit Lake rainbow trout fishery would offer a world class fishing opportunity. DFW understands that issues relating to the design and implementation of the fishery must be worked out cooperatively with the USFS, and DFW is willing to work on precautions to meet any concerns. Such a fishery would showcase the area's beautiful scenery, and could draw visitors from across the nation. The fishery could be managed to avoid negative impacts to the Monument and ongoing studies.

CON: Income derived from the raffle will not cover the true costs of this fishery. The federal law creating the Monument recognizes hunting and fishing, but makes scientific research the priority. This research has been ongoing for almost 30 years, and could be put at risk by this fishery. Scientists and the USFS are strongly opposed to the proposal. The fishery could impact the lake's shoreline and spread invasive species to the lake. Other nearby Monument lakes are already open to recreational fishing.

Persons Testifying: PRO: Craig Lynch, Kemper Hall, Roger Cox, Dennis Way, Clark-Skamanian Fly Fishers; Craig Burley, DFW.

CON: Susan Saul, Vancouver Audubon Society, Mt. St. Helens Protective Association.